

**FEB 20 2008**

Serial No.: 10/501,797  
Examiner: Lydia E. Edwards  
Reply to Office Action Mailed August 20, 2007  
Page 5 of 8

### **REMARKS**

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1, 4 to 6, 8 to 9, 12 to 13, 15 and 17 to 19 have been revised. Support for the revisions can be found at in Figs. 1, 3, 4 and 5, page 7, lines 20 to 23, page 8, lines 13 to 15, page 10, lines 1 to 3, page 10, line 17 to page 11, line 21 and page 13, line 26 to page 14, line 4 of the specification, among other places. Claims 7, 11 and 16 have been canceled without prejudice. Claims 1 to 6, 8 to 10, 12 to 15 and 17 to 19 remain pending in the application.

### **Claim Rejections – 35 USC § 112**

Claim 19 is rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 19 has been editorially revised to address this issue. Withdrawal of the rejection is respectfully requested.

### **Claim Rejections – 35 USC § 102**

Claims 1 to 4 and 9 are rejected under 35 USC § 102(b) as being anticipated by Ogura (JP 5-126792). Applicants respectfully traverse this rejection.

Claim 1 requires a housing including a table that has a projecting portion protruding from the housing. Claim 1 also requires a temperature detection unit located on the projecting portion of the table outside of a housing being directly below a reagent portion of an analytical tool.

Ogura fails to disclose a temperature detection unit located on a projecting portion of a table outside of a housing being directly below a reagent portion of an analytical tool, as required by claim 1. In fact, Ogura discusses a temperature sensor 131 on an insulating substrate 103 of a biosensor 100 (see Ogura, Fig. 2 and paragraph [0020]). That is, the Ogura temperature sensor 131 is a part of the biosensor 100, rather than a part of a housing, as required by claim 1. Moreover, Ogura is completely silent as to a reagent portion, much less a temperature detection unit being directly below a reagent portion as required by claim 1. In addition, the Ogura biosensor 100 is connected to a connector 5 and is moved inside the commode 150 when in use (see Ogura, Fig. 4, and

Serial No.: 10/501,797  
Examiner: Lydia E. Edwards  
Reply to Office Action Mailed August 20, 2007  
Page 6 of 8

paragraphs [0015] and [0028]). This is distinct from the analytical tool required by claim 1, which is mounted on a projecting portion of a table outside of the housing. For at least these reasons, claim 1 is patentable over Ogura. Claims 2 to 4 and 9 ultimately depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

#### **Claim Rejections – 35 USC § 103**

Claims 5 to 8, 10, 11 and 12 to 16 are rejected under 35 USC 103(a) as being unpatentable over Ogura in view of Bhullar et al. (US 6,780,296). Applicants respectfully traverse this rejection. Claims 7, 11 and 16 have been canceled without prejudice. Applicants are not conceding the correctness of the rejection as to claim 7, 11 and 16.

Claim 1 requires a temperature detection unit located on a projecting portion of a table outside of a housing being directly below a reagent portion of an analytical tool. The arrangement of placing the temperature detection unit directly below the reagent portion of the analytical tool is advantageous in that, e.g., it helps measure the temperature of the analytical tool more accurately. As a result, the effect of the reaction temperature adequately can be taken into account when the concentration of a specific component in a sample is computed (see page 3, lines 19 to 24 of the specification, among other places).

The rejection refers to Bhullar et al. as suggesting a temperature detection unit being located in a region directly below a reagent portion. Applicants respectfully submit that Bhullar et al. in fact fail to teach or suggest a temperature detection unit located on a projecting portion of a table outside of a housing being directly below a reagent portion of an analytical tool, as required by claim 1. Instead, Bhullar et al. discuss a sensor strip 12 being inserted in a gap of a sensor instrument (see Bhullar et al., Fig. 6, col. 2, line 64 to col. 3, line 6). Contact pads 9 at a first end of the sensor strip 12 in Bhullar et al. are in electrical contact with electrical contacts 34 at one side of the gap in the sensor instrument (see Bhullar et al., Figs. 2 and 6). A temperature sensor 32 at another side of

Serial No.: 10/501,797  
Examiner: Lydla E. Edwards  
Reply to Office Action Mailed August 20, 2007  
Page 7 of 8

the gap in the sensor instrument is also in contact with the sensor strip 12 in Bhullar et al. A sensing region 10 having reagent 6 thereon is located close to a second end of the sensor strip 12 in Bhullar et al. (see Bhullar et al., col. 2, lines 33 to 42 and Fig. 6), as opposed to the first end that is inserted into the sensor instrument. The Bhullar et al. temperature sensor 32 is on the another side of the gap inside the sensor instrument, rather than being outside of a housing. Moreover, the Bhullar et al. temperature sensor 32 measures the temperature at the first end of the sensor strip 12, with the reagent 6 being close to the second end of the sensor strip 12 (see Bhullar et al., Fig. 6). This is completely distinct from the invention of claim 1, which requires a temperature detection unit located on a projecting portion of a table outside of a housing being directly below a reagent portion of an analytical tool.

For at least these reasons, claim 1 is patentable over Ogura in view of Bhullar et al. Ogura does not remedy the deficiencies of Bhullar et al. Claims 5 to 6, 8, 10 and 12 to 15 ultimately depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 17 to 19 are rejected under 35 USC 103(a) as being unpatentable over Ogura in view of Bhullar et al., further in view of Nankai et al. (US 5,320,732). Applicants respectfully traverse this rejection. Claims 17 to 19 ultimately depend from claim 1 and are patentable over Ogura in view of Bhullar et al., further in view of Nankai et al. for at least the same reasons discussed above regarding claims 1 to 6, 8 to 10 and 12 to 15. Nankai et al. do not remedy the deficiencies of Ogura and Bhullar et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Serial No.: 10/501,797  
Examiner: Lydia E. Edwards  
Reply to Office Action Mailed August 20, 2007  
Page 8 of 8

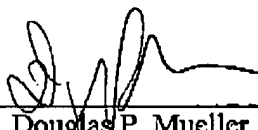
In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

Dated: February 20, 2008

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/cy